

Merrily Munther (#1908)
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File No: 5815.08
Attorneys for Defendants

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CLERK
CAMERON A. BURKE
IDAHO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

AHMAD GOLRANGI,

Plaintiff,

vs.

ROMAR ELECTRIC, INC., and
McALVAIN CONSTRUCTION, INC.

Defendants.

Case No: CIV 04-225-S-BLW

**AFFIDAVIT OF MERRILY
MUNTHER IN SUPPORT
OF OBJECTION TO RULE 56(f)
F.R.C.P. MOTION**

STATE OF IDAHO)
)ss
COUNTY OF ADA).

Merrily Munther, being first duly sworn on oath, deposes and states:

1. She is counsel of record for Defendants herein and as such has personal knowledge of the matters stated.
2. The Complaint in this action was filed May 7, 2004, and the response of McAlvain Construction Co., Inc., was filed June 2, 2004.
3. No Litigation Plan was filed in this case.

4. There has been no disclosure of witnesses by Plaintiff.

5. No discovery has been conducted or attempted by Plaintiff. Plaintiff's counsel has not requested to take any depositions.

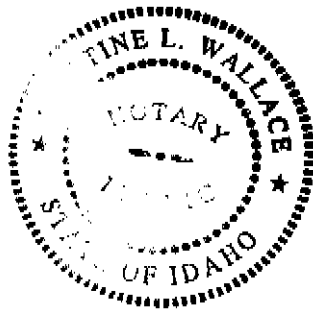
6. Defendant McAlvain Construction Co., Inc., filed its Motion for Summary Judgment on September 1, 2004.

7. The hearing on Defendant's Motion for Summary Judgment is scheduled for December 3, 2004.

Dated this 12th day of October, 2004.

By Merrily D. Murther
Merrily Murther - Of the Firm

SUBSCRIBED and SWORN to before me this 12th day of October, 2004.



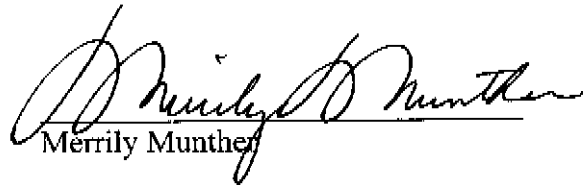
Christine L. Wallace
Notary Public for Idaho
Residing in Boise, Idaho
My Commission Expires: 2/9/05

CERTIFICATE OF SERVICE

I, the undersigned, certify that on the 12th day of October, 2004, caused a true and correct copy of the foregoing to be forwarded with all required charges prepaid, by the method(s) indicated below, in accordance with the Rules of Civil Procedure, to the following person(s):

Chris Kronberg, Esq.
Bowen & Bailey, I.L.P
P.O. Box 1007
Boise, Idaho 83701-1007
Facsimile No. (208) 344-9670

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|----------------|--------------|
| Hand Delivery | _____ |
| U.S. Mail | <u> X </u> |
| Facsimile | _____ |
| Overnight Mail | _____ |


Merrily Munther